

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA	§	
	§	
V.	§	NO. 1:08-CR-38
	§	
JUAN GUEVARA-RODRIGUEZ	§	

**FINDINGS OF FACT AND RECOMMENDATION ON GUILTY PLEA
BEFORE UNITED STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636(b), this matter was referred to the undersigned United States magistrate judge to receive defendant's guilty plea.

On May 28, 2008, defendant, defendant's counsel, and the government came before the undersigned for guilty plea and allocution on Count I of the Indictment filed, charging a violation of Title 8, United States Code, Section 1326(a). After conducting the proceedings in the form and manner prescribed by Rule 11 of the Federal Rules of Criminal Procedure, the undersigned finds:

- (1) Defendant, after consultation with his counsel, knowingly and voluntarily consents to pleading guilty and did plead guilty to Count I of the Indictment before a United States magistrate judge, subject to final approval and imposition of sentence by the district judge to whom this case is assigned.

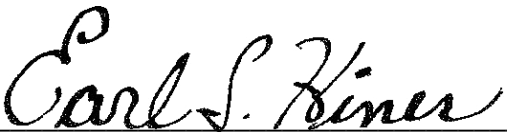
(2) At the hearing defendant was advised of his right to a jury trial. Defendant was also advised of the charge against him and the possible punishment. In open court, defendant thereafter waived his right to a jury trial.

(3) Defendant is fully competent and capable of entering an informed plea, is aware of the nature of the charges and the consequences of the plea, and the plea of guilty is a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense.

RECOMMENDATION

Defendant's guilty plea to Count I of the Indictment should be accepted, and defendant should be adjudged guilty of the offense to which he has pleaded guilty.¹

SIGNED this 29 day of May, 2008.

A handwritten signature in black ink, reading "Earl S. Hines", written over a horizontal line.

Earl S. Hines
United States Magistrate Judge

¹ Parties normally have ten days to object to recommendations submitted by a United States magistrate judge. See 28 U.S.C. § 636. However, as this recommendation is agreed, the court need not wait ten days before adopting the recommendation.